

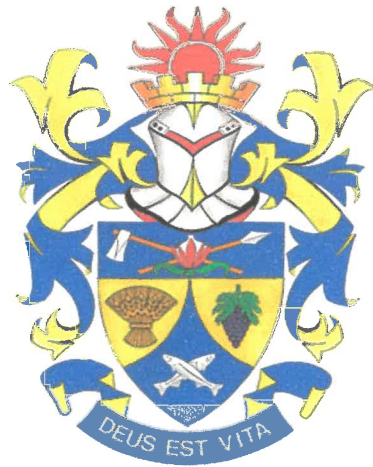
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**VISIE:**

Bergrivier: 'n vooruitstrewende gemeenskap waar almal wil leef, werk, leer en speel op 'n menswaardige manier.

**VISION:**

Bergrivier: a prosperous community where all want to live, work, learn and play in



**KERN WAARDES / CORE VALUES**

We are all part of Bergrivier Municipality.  
We render good services to ensure dignified living to all.  
We are unashamedly pro-poor.  
We believe in close innovative partnerships.  
We believe in social and economic development of our area.  
We care about our work and our colleagues.  
We are disciplined.  
We believe in good relationships.  
We serve with pride.

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**PRESENT**

**MEMBERS**

Director Corporate Services (Mr JWA Kotzee: Vice – Chairperson)  
Manager Expenditure, SCM and Assets (Mrs N Bothma)  
External Member (Mrs D Kotze)  
External Member (Mr J de Jongh)

**OFFICIALS**

Manager: Town Planning & Environmental Management (Mr W Wagener)  
Town & Regional Planner- West (Mr H Vermeulen)  
Town & Regional Planner- East (Mr K Abrahams)  
Administrative Officer (Mr S Lombard)

**ACTION**

**PTN001/06/2024**

**OPENING AND WELCOME**

The Vice- Chairperson opened and welcomed everyone to the meeting.

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**PTN002/06/2024**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Municipal Manager (Adv. H Linde: Chairperson) – Attended SALGA meeting.  
Director Technical Services (Mr D van Turha) – Other Municipal engagements.

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**PTN003/06/2024**

**DECLARATION OF INTEREST IN ACCORDANCE WITH SCHEDULE 1: CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**3/3/1/6**

All members of The Municipal Planning Tribunal present, declared that they have no personal interest with regards to the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.

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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

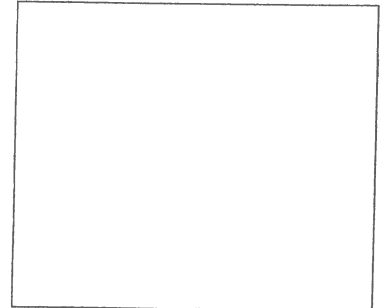
**PTN004/06/2024**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

Following the discussion that the MPT had regarding the Home Shop Policy, the opinion is held that it is important that town planning is requested to do the necessary alignment between the Home Shop Policy and the new MSDF for submission to the Standing Committee and Mayoral Committee (Council if necessary). Members of the MPT should also be requested to provide input on the proposed alignment.

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**PTN005/06/2024**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 16 MAY 2024**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 16 May 2024 be confirmed.

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**ADMINISTRATIVE OFFICER**

**PTN006/06/2024**

**APPLICATION FOR CONSENT USE: ERF 1862, PIKETBERG PB. 1862**

The Town & Regional Planner (East) gave a summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a proposed structure on Erf 1862, Piketberg, **be refused** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy,

**TOWN AND REGIONAL PLANNER (EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029. The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029. The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

The proposed house shop is located on a corner of the street, but not identified activity street where secondary businesses should ideally be located in terms of current spatial guidelines, which is not considered desirable.

No approved building plans submitted with the application and no current structure for the operation of a house shop was seen during site inspection.

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**PTN007/06/2024**

**APPLICATION FOR CONSENT USE: ERF 3032, PORTERVILLE**

**PTV. 3032**

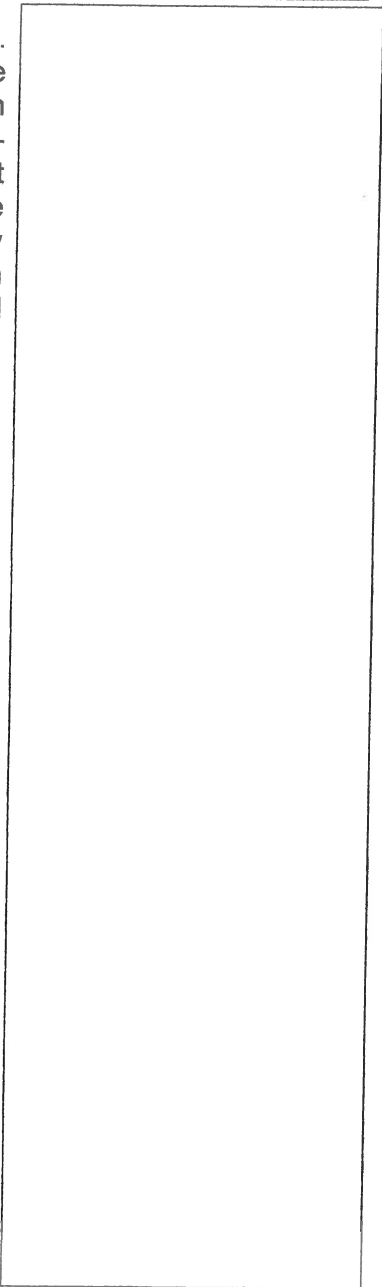
The Town & Regional Planner (East) gave a summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a proposed structure on Erf 3032, Porterville, **be refused** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of the Spatial Planning**



**TOWN AND REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone B which is a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. The subject property is not located along an activity street/corridor/secondary business node where secondary businesses including house shops is promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**PTN008/06/2024**

**APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 3048, PIKETBERG PB. 3048**

The Town & Regional Planner gave a summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for consent use in order to allow the operation of a house shop ( $\pm 15m^2$  in extent) from a portion of an existing structure on Erf 3048, Piketberg and permanent departure of the street building line from 1m to 0m in order to accommodate the existing house shop on the current position, **be refused** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

No approved building plans submitted with the application.

**TOWN AND REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts.

The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

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**PTN009/06/2024**

**APPLICATION FOR CONSENT USE: ERF 2749, PORTERVILLE PTV. 2749**

The Town & Regional Planner gave a summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing structure ( $\pm 15m^2$  in extent) on Erf 2749, Porterville (15 Hendrick Crescent), **be refused** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution:

**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly

**TOWN AND REGIONAL  
PLANNER  
(EAST)**

**TOWN AND REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone B which is a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. The subject property is not located along an activity street/corridor/secondary business node where secondary businesses including house shops is promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

Even though the current application can comply with the House Shop Policy and retail floor space requirement for a house shop in terms of the zoning scheme by-law, the application can't be supported as a result of its inconsistency with spatial policy and development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

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**PTN010/06/2024**

**APPLICATION FOR CONSENT USE: ERF 1881, PIKETBERG PB. 1881**

The Town & Regional Planner (East) gave a brief summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a garage (±22m<sup>2</sup> in extent) on Erf 1881, Piketberg, **be refused** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**TOWN AND REGIONAL  
PLANNER  
(EAST)**

**TOWN AND REGIONAL  
PLANNER  
(EAST)**

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**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

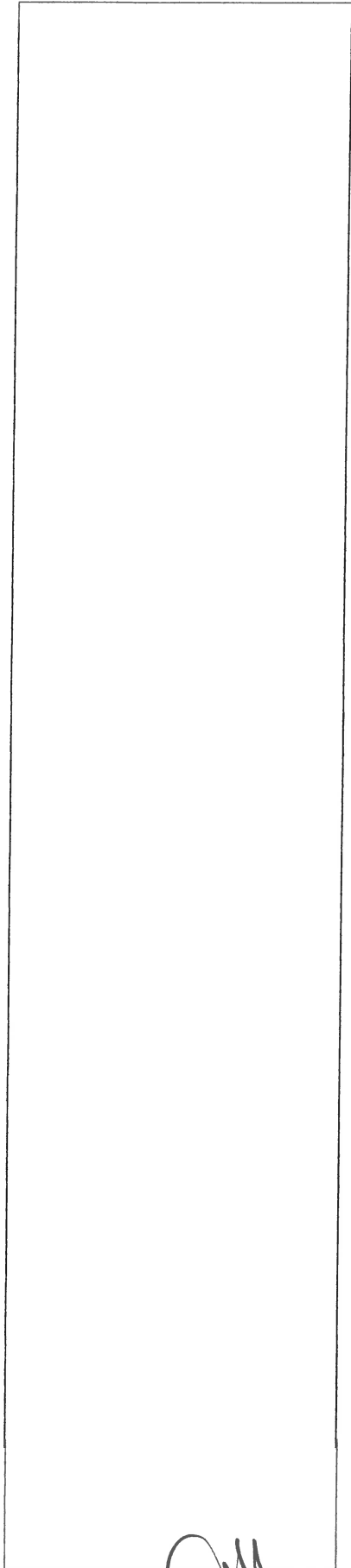
The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not consider these identified areas in line with the envisioned spatial restructuring of town.







**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

**BERGRIVIER MUNICIPALITY POLICY RELATING TO HOUSE SHOP**

**Section 5. Limitations and requirements of the house shop policy determine the following:**

**(2) The person operating the house shop must be the owner of the land and must permanently reside on the property...**

The owner does not currently reside on the property and while the dwelling house is incomplete, the person operating the house shop will not be able to permanently reside on the property.

**BERGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW.**

**Utilisation of outbuildings**

**Section 38. No outbuilding may be utilised for any purpose other than the purpose submitted in the building plans and approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied...**

The main building (dwelling house) is not completed and allowing the utilisation of the outbuilding for business utilisation will be in contravention with abovementioned.

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**PTN011/06/2024  
APPLICATION FOR CONSENT USE: ERF 2775, PIKETBERG  
PB. 2775**

The Town and Regional Planner gave a brief summary of the item under discussion.

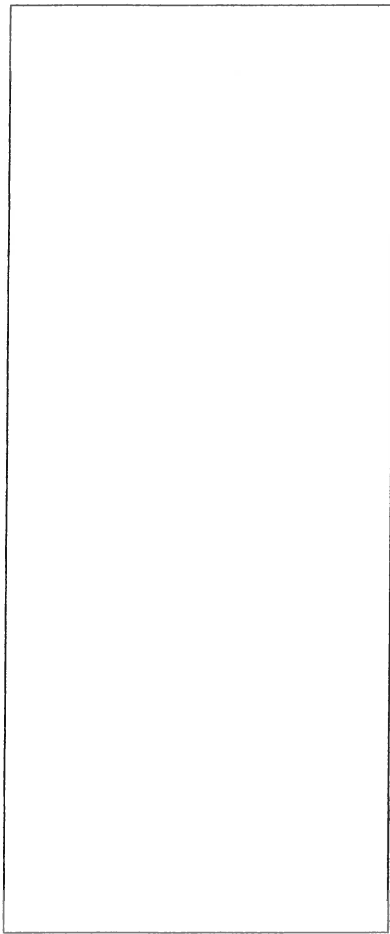
**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop (±22m<sup>2</sup>) from a portion of the dwelling house on Erf 2775, Piketberg, **be refused** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas.



**TOWN & REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not consider these identified areas in line with the envisioned spatial restructuring of town.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

The proposed house shop is not located at an identified activity street where secondary businesses should ideally be located in terms of current spatial guidelines, which is not considered desirable.

**TOWN & REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**BERGRIVIER MUNICIPALITY POLICY RELATING TO HOUSE SHOPS**

The proposed house shop is located within a 500m street distance of an approved house shop on the corner of Alwyn and Portland Street which do not comply with the house shop policy distance requirement in terms of section 5(3). No building plans submitted with the application.

**PTN012/06/2024**

**APPLICATION FOR CONSENT USE: ERF 1979, PIKETBERG**  
**PB. 1979**

The Town & Regional Planner gave a brief summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing structure (±14m<sup>2</sup> in extent) on Erf 1979, Piketberg, **be refused** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

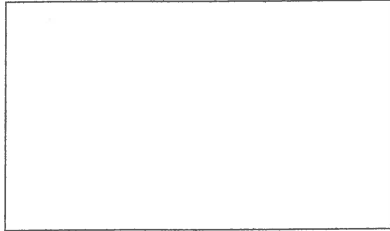
**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**


Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.



**TOWN & REGIONAL  
PLANNER  
(EAST)**





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not consider these identified areas in line with the envisioned spatial restructuring of town.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

**BEGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW**

No space is available to accommodate the required parking bays (3) for the house shop and dwelling units on site this will cause an unsafe environment to other road users (pedestrian and vehicular traffic) in the vicinity should parking/loading/unloading occur on the sidewalk or within the road reserve.

Unauthorised building work took place on the premises. No approved building plans submitted with the application. The number of parking space are not sufficient.

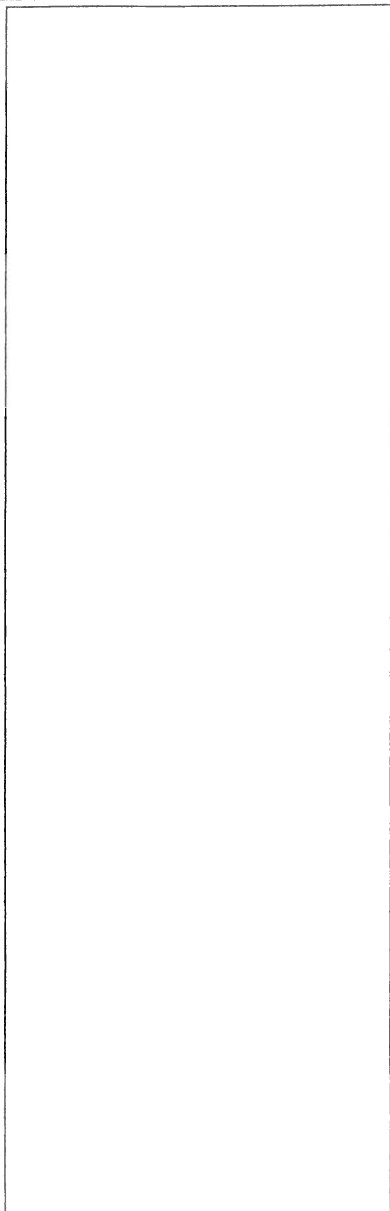
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**PTN013/06/2024  
APPLICATION FOR CONSENT USE: ERF 2386, PORTERVILLE  
PTV. 2386**

The Town & Regional Planner gave a brief summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing garage (±23.21m<sup>2</sup> in extent) on Erf 2386, Porterville, **be refused** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.



**TOWN & REGIONAL  
PLANNER  
(EAST)**



**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone B which is a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. The subject property is not located along an activity street/corridor/secondary business node where secondary businesses including house shops is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not consider these identified areas in line with the envisioned spatial restructuring of town.

**TOWN & REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

**BERGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW**

The total floor space of the dwelling house (excluding verandah) in accordance with the submitted site development plan is ±89.05m<sup>2</sup>. All extension/alterations to the dwelling house have not commenced or been approved in accordance with the submitted site development plan. The total floor space of the proposed business land use will occupy ±23.21m<sup>2</sup>, which equal to 26% floor space of the dwelling unit, exceeding the required 25% floor space for house shops, from which no departure may be granted as provided in the zoning scheme by-law.

One parking bay must at least be provided per dwelling unit and one for the house shop as required in terms of the zoning scheme by-law. No space is available to accommodate the required parking bay for the house shop and dwelling units on site this will cause an unsafe environment to other road users (pedestrian and vehicular traffic) in the vicinity should parking/loading/unloading occur on the sidewalk or within the road reserve.

**BERGRIVIER MUNICIPALITY POLICY RELATING TO HOUSE SHOPS**

Section 5(2) The person operating the house shop must be the owner of the land and must permanently reside on the property and legal documentation in this regard shall accompany an application...

The person operating the house shop does not reside on the premises even though authorisation has been given by the property owner to the applicant to operate the house shop, which is in contravention with section 5(2) of the House Shop Policy. The proposed house shop is located within 500m street distance of an approved house shop on the corner of Dorp and Kraan Street which do not comply with the house shop policy distance requirements in terms of section 5(3).

No approved building plan submitted with the application and no parking space is available.

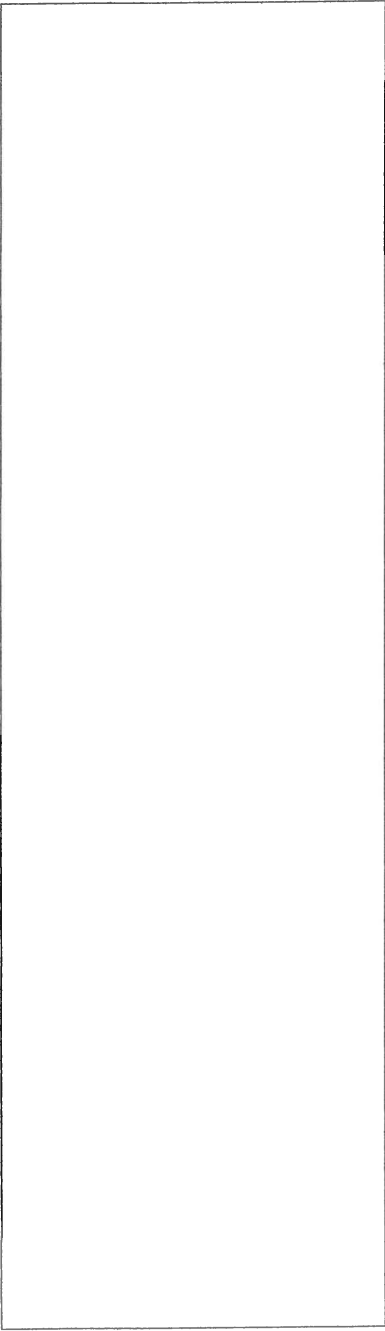
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**PTN014/06/2024  
APPLICATION FOR CONSENT USE: ERF 1948, PORTERVILLE  
PTV. 1948**


The Town & Regional Planner gave a brief summary of the item under discussion.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing garage (±18m<sup>2</sup> in extent) on Erf 1948, Porterville, **be refused** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.



**TOWN & REGIONAL  
PLANNER  
(EAST)**





**REASONS FOR RESOLUTION**

**Inconsistency with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

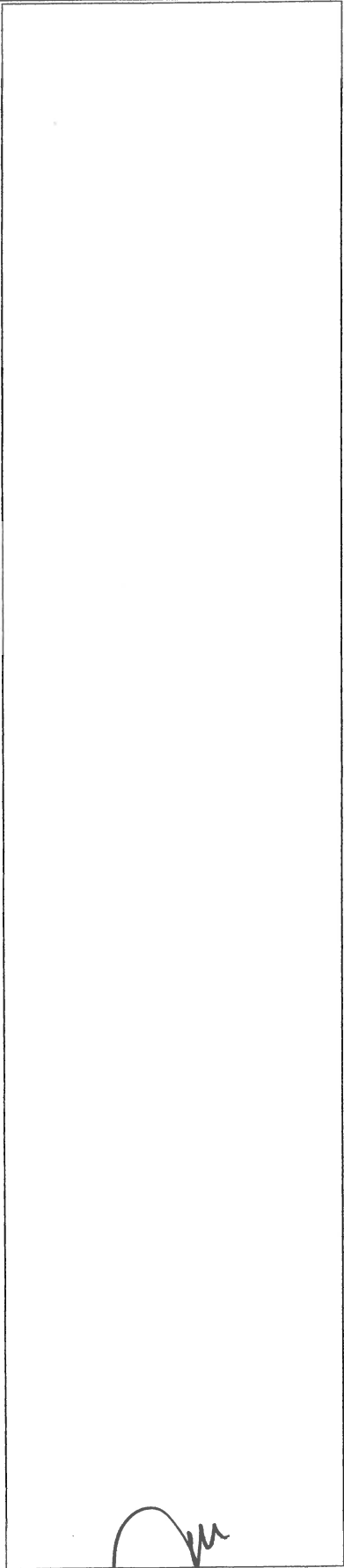
The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not consider sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) considering the aforementioned.

**BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone B which is a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. The subject property is not located along an activity street/corridor/secondary business node where secondary businesses including house shops is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not consider these identified areas in line with the envisioned spatial restructuring of town.





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

**BERGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW**

The total floor space of the existing dwelling house is ±20.35m<sup>2</sup>. The extension to the dwelling house has not commenced in accordance with the approved building plan submitted with the application. The total floor space

of the proposed business land use will occupy ±18m<sup>2</sup>, which equal to ±88.45% floor space of the dwelling units, far exceeding the required 25% floor space for house shops, from which no departure may be granted as provided in the zoning scheme by-law. Aforesaid will further result in dominant business use on the property which is not compatible with the dominant residential character of the area.

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**PTN015/06/2024**

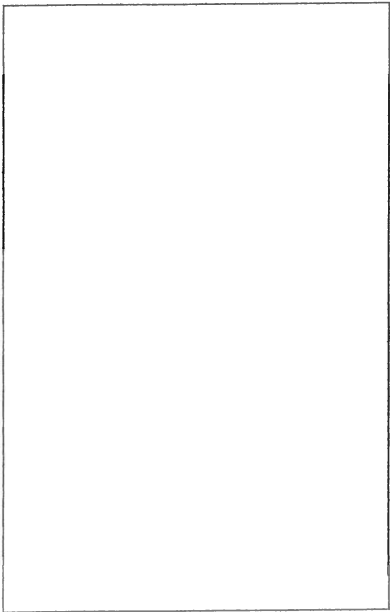
**APPLICATION FOR REZONING: ERF 3485, PIKETBERG  
PB. 3485**

The Town & Regional Planner gave a brief summary of the item under discussion.

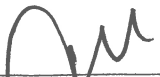
**RESOLUTION: APPROVED CONDITIONALLY**

1) Application is made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for rezoning of Erf 3485, Piketberg from General Residential Zone 4 (Flats) to Business Zone 1 (Business premises) to allow the development of a multiple parking garage on the property, **be approved** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

- 1.1 Development must occur in accordance with the site development plan project no. 223-29 dated Nov 2023;
- 1.2 The multiple parking garage may not be used as storage facility/warehouse unless an appropriate land use application has been made and approved by this Municipality;
- 1.3 Provision must be made for ablution facilities for customers;
- 1.4 Dust mitigation must be established on site at the entrance/exit (pan handle) by means of paving, hard surfacing or alternative method to mitigate dust dispersion to the adjacent residential properties;
- 1.5 Lighting of the property be orientated/projected inwards or onto Erf 3485, Piketberg;
- 1.6 The gross weight (Gross Vehicle Mass/GVM) of vehicles using the facility may not exceed 3500 kg.
- 1.7 Municipal engineering services connections required and/or any additional/upgrading of municipal engineering services as a result of the proposed utilisation of land will be borne by the property owner(s) as



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PLANNER  
(EAST)**







**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

agreed between the Technical Services department of this Municipality;

1.8 Connection to municipal engineering services (water, sewerage and electrical) must be made to the satisfaction of this Municipality's Technical Department; and

1.9 Compliance with all other conditions of the zoning scheme by-law.

**REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework.

- Erf 3485, Piketberg is located within Zone B which is earmarked as a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. Zone B allows secondary businesses (i.e. neighbourhood shop, offices etc.) along activity streets. Business Zone 1 (business premises) allows more intensive business land uses which is considered more appropriate to be located within the Central Business District of Town (Zone D).
- No other less intensive (secondary) business zone allows a multiple parking garage as primary land use or consent use. Even though the land use description of business premises allows more intensive business uses, a multiple parking garage is regarded less intrusive in the current environment where mixed land uses i.e. offices, business and similar developments of covered parking and garages is established on adjacent properties. BMSDF 2024-2029 acknowledges the "lack of public transport hub and parking area." in Piketberg. Allowing such land use in close proximity to supporting facilities where limited parking space exists is of importance in the surrounding area to address the lack/shortage in parking i.e. in Church Street.
- The proposed rezoning of the property to Business Zone 1 is not consistent with the BMSDF 2024-2029, but site-specific circumstances exist that allows a deviation of the BMSDF 2024, considering the properties site specific circumstances as mentioned above.

Section 65 (d) consideration of comments on response to the notice of the application etc.

- No objections were received against the application.

Relevant consideration was given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

- The proposed multiple parking garage will have a minimal impact on municipal engineering services. The proposed development can be accommodated on site with the existing available municipal engineering services available to the property. The proposed application is efficiently proposed along an activity street where secondary business land uses are promoted in terms of spatial policy.

**TOWN & REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

- The property gain access via a ±10m panhandle from aforesaid street. The proposed development is to allow a multiple parking garage and carports to address parking shortage within the area consisting of mixed land uses (businesses, residential and municipal offices) which is considered long term sustainable.
- The application exhibits resilience by being adaptable from medium density residential to business to allow additional parking space thereby helping address the need for parking shortage within the area or Piketberg, even though in private ownership.
- The application will not result in exclusion as parking facilities is made available to anyone or customer who wish to make use of the facility.
- The application is considered consistent with Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) in terms of the aforesaid.

Desirability

- The subject property border businesses, municipal offices and residential land uses. The area is subject to change as this portion of Kloof Street is earmarked as activity street in accordance with spatial policy. The application is considered compatible with the surrounding area as similar established covered parking and garages is located on the adjacent property.
- The proposed multiple parking garage and covered carport, coverage is 36.54 % of the total property. No application is made for departure of development parameters. Similar developments have been developed on adjacent properties. The neighbours did not object to the application under consideration. The scale of the development is considered acceptable within the current mixed-use area.
- The application is determined desirable from a planning perspective considering aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to conditions.

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**TOWN & REGIONAL  
PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JUNE 2024 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 13 CHURCH STREET, PIKETBERG.**

**PTN016/06/2024**

**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 18 July 2024 at 11:00** on an Electronic Platform.

**ADMINISTRATIVE  
OFFICER**

**NOTED**

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**THE MEETING ADJOURNED AT 14:35  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
\_\_\_\_\_  
**CHAIRPERSON**

16/07/2024  
**DATE**